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PART IV

Acts of the Dominion Legislature assented to by the Governor-General

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 30th April, 1949

The following Acts of the Dominion Legislature received the assent of the Governor-General on the 28th April, 1949 and are hereby published for general information:—

Act No. XXXI of 1949

An Act further to amend the Indian Wireless Telegraphy Act, 1933.

WHEREAS it is expedient further to amend the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Indian Wireless Telegraphy (Amendment) Act, 1949.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of preamble to Act XVII of 1933.—In the preamble to the Indian Wireless Telegraphy Act, 1933 (hereinafter referred to as the said Act), for the words "the provinces", the word "India" shall be substituted.

3. Amendment of section 1, Act XVII of 1933.—For sub-section (2) of section 1 of the said Act, the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of India."

4. Amendment of section 2, Act XVII of 1933.—In section 2 of the said Act,—

(i) in clause (2), the word "and", where it last occurs, shall be omitted;

(ii) after clause (2), the following clause shall be inserted, namely:—

"(2A) 'wireless transmitter' means any apparatus, appliance, instrument or material used or capable of use in making or transmitting telegraphic, telephonic or other communication by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus; and"

5. Amendment of section 6, Act XVII of 1933.—In section 6 of the said Act,—

(i) in sub-section (1), for the words “wireless telegraphy apparatus”, the words “wireless telegraphy apparatus, other than a wireless transmitter,” shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whoever possesses any wireless transmitter in contravention of the provisions of section 3 shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.”

6. Substitution of new section for section 7, Act XVII of 1933.—For section 7 of the said Act, the following section shall be substituted, namely:—

“7. *Power of search.*—Any officer specially empowered by the Central Government in this behalf may search any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed, and take possession thereof.”

ACT No. XXXII OF 1949

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Code of Civil Procedure (Amendment) Act, 1949.

2. Amendment of section 82, Act V of 1908.—In section 82 of the Code of Civil Procedure, 1908,—

(a) in sub-section (1), for the words “Where the decree is against the Dominion of India or a Province or against a public officer in respect of any such act as aforesaid”, the following words shall be substituted, namely:—

“Where in a suit by or against the Government, or by or against a public officer in respect of any such act as aforesaid, a decree is passed against the Dominion of India or a Province or, as the case may be, the public officer”; and

(b) after sub-section (2), the following sub-section shall be added, namely:—

“(3) The provisions of sub-sections (1) and (2) shall apply in relation to an order or award as they apply in relation to a decree, if the order or award—

(a) is passed or made against the Dominion of India or a Province or a public officer in respect of any such act as aforesaid, whether by a Court or by any other authority, and

(b) is capable of being executed under the provisions of this Code or of any other law for the time being in force as if it were a decree.”

ACT No. XXXIII OF 1949

An Act to amend the Rubber (Production and Marketing) Act, 1947.

WHEREAS it is expedient to amend the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Rubber (Production and Marketing) Amendment Act, 1949.

2. Amendment of section 4, Act XXIV of 1947.—In section 4 of the Rubber (Production and Marketing) Act, 1947, after clause (j) of sub-section (3), the following clause shall be inserted, namely:—

“(j) three persons representing labour, to be nominated by the Central Government;”.

ACT No. XXXIV OF 1949

An Act further to amend the Coffee Market Expansion Act, 1942.

WHEREAS it is expedient further to amend the Coffee Market Expansion Act, 1942 (VII of 1942), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Coffee Market Expansion (Amendment) Act, 1949.

2. Insertion of new section 32A in Act VII of 1942.—After section 32 of the Coffee Market Expansion Act, 1942, the following section shall be inserted, namely:—

“32A. *Power of the Board to make donation to the Gandhi National Memorial Fund.*—Notwithstanding anything contained in section 32, the Board may apply any part of the pool fund to the making of a donation to the Fund known as the Gandhi National Memorial Fund.”

ACT No. XXXV OF 1949

An Act further to amend the Indian Succession Act, 1925.

WHEREAS it is expedient further to amend the Indian Succession Act, 1925 (XXXIX of 1925), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Succession (Amendment) Act, 1949.

2. Amendment of section 382, Act XXXIX of 1925.—In section 382 of the Indian Succession Act, 1925, after the words “an Acceding State”, the words “or the State of Hyderabad” shall be inserted.

ACT No. XXXVI OF 1949

An Act to amend the Indian Passport Act, 1920.

WHEREAS it is expedient to amend the Indian Passport Act, 1920 (XXXIV of 1920), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Passport (Amendment) Act, 1949.

2. Amendment of the long title and the preamble, Act XXXIV of 1920.—In the long title of, and the preamble to, the Indian Passport Act, 1920 (hereinafter referred to as the said Act), for the words "the Provinces of India" the word "India" shall be substituted.

3. Amendment of section 1, Act XXXIV of 1920.—In sub-section (2) of section 1 of the said Act, for the words "all the Provinces of India" the words "the whole of India" shall be substituted.

4. Amendment of sections 3 and 5, Act XXXIV of 1920.—In sections 3 and 5 of the said Act, for the words "the Provinces", wherever they occur, the word "India" shall be substituted.

5. Addition of new section 6 to Act XXXIV of 1920.—After section 5 of the said Act, the following section shall be added, namely:—

"6. *Application of Act to Acceding States.*—In the application of this Act to any Acceding State, any reference to an enactment in force in the Provinces of India but not in force in the Acceding State shall be construed as a reference to the corresponding law, if any, of that State."

ACT No. XXXVII of 1949

An Act to amend the Registration of Foreigners Act, 1939.

WHEREAS it is expedient to amend the Registration of Foreigners Act, 1939 (XVI of 1939), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Registration of Foreigners (Amendment) Act, 1949.

2. Amendment of the long title and the preamble, Act XVI of 1939.—In the long title of, and the preamble to, the Registration of Foreigners Act, 1939 (hereinafter referred to as the said Act), for the words "the Provinces of India" the word "India" shall be substituted.

3. Amendment of section 1, Act XVI of 1939.—In sub-section (2) of section 1 of the said Act, for the words "all the Provinces of India" the words "the whole of India" shall be substituted.

4. Amendment of section 3, Act XVI of 1939.—In section 3 of the said Act, for the words "the Provinces", wherever they occur, the word "India" shall be substituted.

5. Amendment of section 8, Act XVI of 1939.—In section 8 of the said Act, for the figures "1864" the figures "1946" shall be substituted.

6. Addition of new section 9 to Act XVI of 1939.—After section 8 of the said Act, the following section shall be added, namely:—

"9. *Application of Act to Acceding States.*—In the application of this Act to any Acceding State, any reference to an enactment in force in the Provinces of India but not in force in the Acceding State shall be construed as a reference to the corresponding law, if any, of that State."

K. V. K. SUNDARAM,
Secy. to the Govt. of India.